

# United States District Court District of Massachusetts

CHARLES LANGONE, as FUND MANAGER  
of the NEW ENGLAND TEAMSTERS AND  
TRUCKING INDUSTRY PENSION FUND  
Plaintiff,

V.

CA No. 04-12509-DPW

EAGLE GRAPHICS, INC and  
JOSEPH BENDER, in his capacity as President  
of Eagle Graphics, Inc.  
Defendants.

## ***REPORT AND RECOMMENDATION ON MOTION TO REACH AND APPLY (#32)***

COLLINGS, U.S.M.J.

This cause came on to be heard upon a motion to reach and apply. No opposition has been filed.

Upon consideration thereof, this Court hereby finds that the plaintiff has recovered judgment, including interest, liquidated damages, fees and costs, in the amount of \$229,537.62 as against Defendant Eagle Graphics, Inc., and that Reach and Apply Defendant Next Generation Printing, Inc. has property due or

to be due to the Defendant Eagle Graphics, Inc. which can be reached and applied to satisfy the judgment which the plaintiff has received against Defendant Eagle Graphics, Inc.

WHEREUPON the court hereby RECOMMENDS that an injunction issue restraining and enjoining Reach and Apply Defendant Next Generation Printing, Inc, from selling, assigning, transferring, alienating or paying Defendant Eagle or Eagle President Joseph Benger a/k/a Craig Bender any sums owed by Reach and Apply Defendant Next Generation Printing, Inc. to Defendant Eagle pending further Order of the Court and that the Court permit the Plaintiff to reach and apply the funds due or to be due from Reach and Apply Defendant Next generation to Defendant Eagle to the judgment which the Plaintiff has obtained against Defendant Eagle.

The parties are hereby advised that pursuant to Rule 72, Fed. R. Civ. P., any party who objects to these findings and recommendations must file a specific written objection thereto with the Clerk of this Court within 10 days of the party's receipt of this Report and Recommendation. The written objections must specifically identify the portion of the findings, recommendations, or report to which objection is made and the basis for such objections. The parties are further advised that the United States Court of Appeals for this Circuit has

repeatedly indicated that failure to comply with Rule 72(b), Fed. R. Civ. P., shall preclude further appellate review. *See Keating v. Secretary of Health and Human Services*, 848 F.2d 271 (1 Cir., 1988); *United States v. Emiliano Valencia-Copete*, 792 F.2d 4 (1 Cir., 1986); *Scott v. Schweiker*, 702 F.2d 13, 14 (1 Cir., 1983); *United States v. Vega*, 678 F.2d 376, 378-379 (1 Cir., 1982); *Park Motor Mart, Inc. v. Ford Motor Co.*, 616 F.2d 603 (1 Cir., 1980); *see also Thomas v. Arn*, 474 U.S. 140 (1985).

/s/ Robert B. Collings

ROBERT B. COLLINGS

United States Magistrate Judge

October 23, 2006.